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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,110

02/06/2007

John Michael Walker Pina

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EXAMINER

SQUIRES, BRETT S

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,110	<b>Applicant(s)</b> WALKER PINA ET AL.	
	<b>Examiner</b> BRETT SQUIRES	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/17/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Information Disclosure Statement***

1. The information disclosure statement filed February 17, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. In the present case the applicant has not provided a copy of "Access Security for IP-Based Services (Release 5) and therefore this reference has not been considered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the device for use in, or in co-operation with, a subscriber server," the use of an alternative expression creates uncertainty with respect to relationship between the claimed device and the subscriber server. It is unclear whether the claim device is a component of the subscriber server, is connected to the subscriber server, or is linked with the subscriber server. Appropriate correction is required.

Claim 9 recites the improper Markush Group of "said additional authentication data including at least one element selected from a group of elements comprising:".

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The use of “comprising” when claiming a Markush Group is improper because “comprising” allows for inclusion of additional unrecited elements, and therefore renders the Markush Group indefinite. Appropriate correction is required.

Claim 10 recites the improper Markush Group of "means for processing at least one notification selection from a group including:". The use of “including” when claiming a Markush Group is improper because “including” allows for inclusion of additional unrecited elements, and therefore renders the Markush Group indefinite. Appropriate correction is required.

Claim 13 recites the improper Markush Group of "said additional authentication data including at least one element selected from a group of elements comprising:". The use of “comprising” when claiming a Markush Group is improper because “comprising” allows for inclusion of additional unrecited elements, and therefore renders the Markush Group indefinite. Appropriate correction is required.

Claim 27 recites the improper Markush Group of "said additional authentication data including at least one element selected from a group of elements comprising:". The use of “comprising” when claiming a Markush Group is improper because “comprising” allows for inclusion of additional unrecited elements, and therefore renders the Markush Group indefinite. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-13, 15-18, 20-27, 29-30, and 32-33 are rejected under 35

U.S.C. 102(b) as being anticipated by Faccin et al. (US 2001/0049790).

Regarding Claims 1, 15, 23, and 32-33:

Faccin discloses a device for multimedia authentication ("Proxy Server/Gatekeeper" and "Serving Call State Control Function" See fig. ref. nos. 22 and 24) of a user equipment ("Subscriber Equipment" See fig. 1 ref. no. 18) accessing a multimedia domain ("Multimedia Services" See paragraph 3) through an access network ("Wireline ISP," "Public Cellular Network," and "WLAN" See fig. 1 ref. nos. 12, 14, and 16), the device for use in or in operation with, a subscriber server ("Home Subscriber Server" See fig. 1 ref. no. 20) of the access network holding authentication data for the user equipment and accessible to the multimedia domain ("Subscriber Profile" See paragraphs 7 and 26), the device having means for deciding that an implicit authentication between the user equipment and the multimedia domain can take place based on a previous authentication of the user by the access network thus skipping the need for an explicit authentication ("The source of the access type indicator may be explicitly provided by subscriber equipment or an interface between the subscriber equipment and the access network at which the subscriber is register or implicitly from the control entity in a visit network analyzing the notice of the communication to form the access network to the control entity." See paragraph 10 [The examiner respectfully points out that the s-CSCF analyzes the notice of communication to decide if the access

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type indicator can be provided implicitly.]) and means for instructing a serving entity in charge of authenticating the user equipment in the multimedia domain that implicit authentication can take place ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin teaches the OR function, the access type indicator can be provided explicitly or implicitly, the alternative nature of the OR function requires a selection step to be performed by user of the subscriber equipment.]).

Regarding Claims 2, 17, and 26:

Faccin discloses the means for deciding that an implicit authentication can take place has means for determining the potential security of the signaling path to access the multimedia domain through the access network ("Controlling access of the subscriber to any network dependent upon a comparison of the service to be provided to the subscriber and the stored subscriber profile." and "Each access may provide a different degree of bandwidth in communications; a different degree of security in communications for each different access; or a different supported supplementary service for each different access." See paragraph 11).

Regarding Claims 3, 18, and 20:

Faccin discloses the means for instructing the serving entity that an implicit authentication can take place includes means for indication that the final decision is on the user equipment side which can force an explicit authentication place ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin teaches the OR

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function, the access type indicator can be provided explicitly or implicitly, the alternative nature of the OR function requires a selection step to be performed by user of the subscriber equipment.]).

Regarding Claims 5 and 16:

Faccin discloses means for notifying the user equipment that an implicit authentication of the user equipment for accessing the multimedia domain can be carried out by the network (See paragraph 10 “The examiner respectfully points out that user of the subscriber equipment perform the selection between explicit or implicit authentication, therefore it is inherent the user of the subscriber equipment is notified that an implicit authentication can be carried out.”)

Regarding Claims 6-7 and 24:

Faccin discloses the subscriber equipment and the s-CSCF maybe connected by any type of telecommunications connection (See paragraph 27).

Regarding Claims 8, 21-22, and 25:

Faccin discloses means for indicating to the serving entity in charge of authenticating the user in the multimedia domain that the user has confirmed the implicit authentication (See paragraph 10 “The examiner respectfully points out that user of the subscriber equipment perform the selection between explicit or implicit authentication, therefore it is inherent the s-CSCF receives the selection so that an explicit or implicit authentication can be carried out.”)

Regarding Claims 9 and 27:

Faccin discloses means for providing additional authentication data to the serving entity ("Home Subscriber Server" See fig. 1 ref. no. 20), the addition authentication data including at least one element selected from a group of elements consisting of authentication type, access information, and authentication timestamp ("The HSS retrieves from storage a subscriber profile of an authorized type or level of access associated with the subscriber identified in the message received by the HSS." See paragraph 27).

Regarding Claims 10 and 29:

Faccin discloses a user equipment ("Subscriber Equipment" See fig. 1 ref. no. 18) enabled to obtain access to a multimedia domain ("Multimedia Services" See paragraph 3) through an access network ("Wireline ISP," "Public Cellular Network," and "WLAN" See fig. 1 ref. nos. 12, 14, and 16) and arranged to carry out a first explicit authentication procedure with the access network ("The subscriber utilizes subscriber equipment to transmit a message to the s-CSCF to request an application level registration through the public cellular visited network to the home network" See paragraph 27) and a second explicit authentication procedure with the multimedia domain ("The retrieved subscriber profile is compared by the s-CSCF with the level or type of service contained in a requested type of connection." See paragraph 27), the user equipment having means for processing ("Laptop Computer," "PDA," and "Cellular Phone" See fig. 1 ref. no. 18 [The examiner respectfully points out that it is inherent that disclosed subscriber equipment contains CPU.]) at least one notification selected from a group of notification consisting of: a first notification received from the multimedia



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domain indicating that an implicit authentication for the user equipment can be carried out by the network ("The source of the access type indicator may be explicitly provided by subscriber equipment or an interface between the subscriber equipment and the access network at which the subscriber is register or implicitly from the control entity in a visit network analyzing the notice of the communication to form the access network to the control entity." See paragraph 10 [The examiner respectfully points out that the s-CSCF analyzes the notice of communication to decide if the access type indicator can be provided implicitly.]) and a second notification proposed from the user equipment towards the multimedia domain to carry out an implicit authentication between the user equipment and multimedia domain ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin teaches the OR function, the access type indicator can be provided explicitly or implicitly, the alternative nature of the OR function requires a selection step to be performed by user of the subscriber equipment.]).

Regarding Claims 11 and 30:

Faccin discloses the means for processing a notification received from the multimedia domain includes means for receiving and processing an implicit authentication indication that the final decision is on the user equipment which can force an explicit authentication ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin teaches the OR function, the access type indicator can be provided explicitly or

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implicitly, the alternative nature of the OR function requires a selection step to be performed by user of the subscriber equipment.]).

Regarding Claim 12:

Faccin discloses the user equipment has means for sending towards the multimedia domain an SSO enabled indication to confirm the acceptance of the implicit authentication proposed by the network ("The subscriber equipment and the s-CSCF maybe connected by any type of telecommunications connection." See paragraph 27).

Regarding Claim 13:

Faccin discloses the user equipment has means for providing additional authentication data towards the multimedia domain, the additional authentication data including at least one element selected from a group of elements consisting of: authentication type, access information, and authentication timestamp ("The HSS retrieves from storage a subscriber profile of an authorized type or level of access associated with the subscriber identified in the message received by the HSS." See paragraph 27).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 4, 14, 19, 28, 31, and 34 are rejected under 35 U.S.C. 103(a) as being obvious over Faccin et al. (US 2001/0049790).

Faccin discloses the above stated a device for multimedia authentication ("Proxy Server/Gatekeeper" and "Serving Call State Control Function" See fig. ref. nos. 22 and 24) of a user equipment ("Subscriber Equipment" See fig. 1 ref. no. 18) accessing a multimedia domain ("Multimedia Services" See paragraph 3) through an access network having means for indicating that the final decision on authentication is on the user equipment side ("The subscriber equipment will provide an authentication instruction to the s-CSCF." See paragraph 10 [The examiner respectfully points out that Faccin teaches the OR function, the access type indicator can be provided explicitly or implicitly, the alternative nature of the OR function requires a selection step to be performed by user of the subscriber equipment.]).

Faccin does not disclose the means for indicating that this is a final decision taken by the network and no explicit authentication can be carried out.

The examiner respectfully points out that the means for indicating that this is a final decision taken by the network and no explicit authentication can be carried is an automated version of the manual means for indicating (Implicit Authentication) that the final decision is on the user equipment side disclosed by Faccin. An automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior. See *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRETT SQUIRES whose telephone number is (571) 272-8021. The examiner can normally be reached on 9:30am - 6:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/  
/Christopher A. Revak/  
Primary Examiner, Art Unit 2431